IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 2 OF 1989

The Commissioner of Income-tax,
Bombay City-II, Bombay. ...Applicant
V/s.
Shri R.N. Mafatlal. ...Respondent

Mr.Ashok Kotangle for Applicant.
None for Respondent.

CORAM : V.C. DAGA AND
A.S. AGUIAR, JJ.
DATED : JULY 1, 2005.

P.C. :-

. By this reference under Section 256(1) of the Income-Tax Act, 1961, the Income Tax Appellate Tribunal has referred the following questions of law for the opinion of this Court :-

"1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the medical insurance premium of Rs.2208/- paid by the employer on behalf of the assessee is not taxable as a perquisite under the head 'salary'?

2. Whether, on the facts and in the circumstances of the case, the Tribunal was

right in law in holding that the interest of Rs.23,461/- in excess of 1/3rd salary, credited to the Provident Fund account is not taxable as perquisite under the head 'salary' as provided in Rule 6(b) of Fourth Schedule to the Income-tax Act, 1961? "

. For the reasons recorded by us in our Judgment dated 1st July, 2005, passed in Income Tax Reference No.397 of 1988 **(C.I.T. Vs. M/s.Pithwa Engg.Works)**, wherein we have relied upon decision of this Court in the case of **C.I.T. vs. Camco Colour Co. (2002) 254 ITR 565**, we do not think it necessary to answer the reference made to this Court for the Assessment Year 1980-81 having negligible tax effect. Accordingly, reference stands returned unanswered with no order as to costs.

(A.S. AGUIAR, J.) **(V.C. DAGA, J.)**